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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,013	11/21/2001	James E. Johanson	8945-25 (149194)	2419
7590	02/15/2005		EXAMINER	
Thomas J. Durling Drinker Biddle & Reath LLP One Logan Square 18th and Cherry Streets Philadelphia, PA 19103-6996				LE, TAN
				ART UNIT
				PAPER NUMBER
				3632
DATE MAILED: 02/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.	Applicant(s)
	09/990,013	JOHANSON ET AL.
	Examiner Tan Le	Art Unit 3632
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>18 January 2005</u> . 2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final. 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-3,7,8,11-13,15,16 and 18-24</u> is/are pending in the application. 4a) Of the above claim(s) _____ is/are withdrawn from consideration. 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. 6) <input checked="" type="checkbox"/> Claim(s) <u>1-3,7,8,11-13,15,16 and 18-24</u> is/are rejected. 7) <input type="checkbox"/> Claim(s) _____ is/are objected to. 8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input type="checkbox"/> The specification is objected to by the Examiner. 10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.		
Priority under 35 U.S.C. § 119		
12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.		
Attachment(s)		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____		

DETAILED ACTION

1. This is the fifth office action for serial number 09/990,013. This application contains claims numbered 1-3, 7-8, 11-13, 15-16 and 18-24. Claims 4-6, 9-10, 14 and 17 have been canceled.
2. Applicants' amendment filed on 01/18/05 has been entered.
3. The indicated allowability of the previous claim (claim 3) in the previous action is withdrawn in view of a new ground rejection to Brown et al.(US Patent No. 5, 566,624). The finality of the rejection of the last Office action is therefore also withdrawn.

Rejections based on the new ground as follows:

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 7-8, 11-13, 15-16 and 18-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following limitations lack antecedent basis:

Claim 3: "the feet" in lines 5-6; "the internal side wall" in line 7; " well" in line 8; "the foot" line 9; "the feet" line 11.

Claim 1: "the relative outer edge portion " line 3, "the bottom surfaces" line 3;
Note: "an article" line 2 should be changed to -- the article--.

Claim 2: "the outer peripheral edge" line 1; "the inner portion" line 2; "the corresponding side" line 3; "the adjacent portion" lines 3 & 4.

Claim 7: "the side wall" lines 2-3.

Claim 8: "the open end" line 18.

Claim 11: "the well (line 2)

Claim 12: "the bottom edge" lines 9-10.

Claim 13: "the relative outer peripheral edge" line 2; "the outer edge" line 3; "the appliance" line 4.

Claim 15: "the relatively outer peripheral edge" lines 1-2; "the side" line 4; "the outer edge" line 5; "the side" line 6.

Claim 16: "the relatively outer peripheral edge" lines 1-2; "the adjacent portions" line 3.

Claim 18: "the type" line 2, is unclear what type'; "the relatively outer peripheral edge portion" line 6; "the outer edge" lines 8 and line 10; "the adjacent structural frame" line 10; "the feet" line 12; "the internal side wall" line 13; "the well" line 14; "the foot" lines 15 and 16; "the upper edge" line 15.

Claim 19: "the well" line 2.

Claim 20: "the type" line 2; "the relative outer peripheral edge portion"; "the outer edge"; "the adjacent structure"; "the feet"; "the internal side wall"; "the foot"; "the bottom wall".

Claim 21: "the internal sidewall"; "the foot".

Claim 22: "the internal sidewall"; "the foot".

Claim 23: "the upper edge"; "the foot".

Claim 24: "the bottom edges"; "the bottom wall".

Note that the examiner has attempted to point out many of the typical terms and/or phrases which lack a clear antecedent basis in the claims and/or to point out those portions of the claims which include indefinite language which affects the intended meaning of the claim language. Applicant is urged to review each and every line of each and every claim to correct the above and to correct any other errors which applicant becomes aware of during the editing of the instant claims. Also, applicant should scrutinize any new claims submitted to insure that the claims comply with the exacting requirements of the statute. See MPEP 2171+.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-8, 11-13, 15-16 and 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,566,624 to Brown et al.

Regarding claim 3, Brown et al. teaches a base comprising: a frame (20) having one or more side edges, each side edge adapted to extend along a side of an article; one or more sockets (24, 26, 28, 30) that form receptacles capable of receiving feet of the article; a plurality of flexible ribs (41) extending along an internal sidewall of the socket and projecting inwardly into a well of the socket; the ribs adapted to deform in

response to the engagement with a foot of the article upon insertion into the socket, wherein the one or more sockets define open ended wells (42) in the frame for receipt and engagement of the feet of the article. Note that the ribs are inherently flexible since virtually anything will be bent or flexed if enough pressure is applied to it. See the term "flexible" in *Fredman v. Harris-Hub Co., Inc.* 163 USPQ 397 (DC 1969).

Regarding claim 1, wherein the frame has four sides, each side adapted to extend along the four sides of the article with relatively outer peripheral edge portions of the base positioned adjacent bottom surfaces of the article.

Regarding claim 2, wherein the outer peripheral edge portion of each of the sides of the frame is recessed (71) relative to inner portions of the base along the corresponding side, creating a gap between the base and adjacent portions of the article along each side thereof.

Regarding claim 7, wherein the ribs (41) in the one or more sockets are vertically positioned and project radially inward from a sidewall of the socket.

Regarding claim 8, wherein the ribs are substantially beveled at their upper edges adjacent an open end of the socket

Regarding claim 11, wherein the ribs are positioned axially within the well of the socket.

Regarding claim 12, wherein a bottom edge of the ribs is separated from a bottom wall of the socket (38).

Regarding claim 13, wherein a relatively outer peripheral edge portion of at least one side of the frame is recessed (71) relative to inner portions of the fame along the at

least one side, the recess of an outer edge along the at least one side creating a gap between the base and adjacent portions of the article.

Regarding claims 15, 16 and 18-24, Brown et al also teaches the subject matter of these claims which recited limitations similar to those recited in claims 3, 1-2, 7-8, 11-12 and 13.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4,428,306 to Dresen et al.

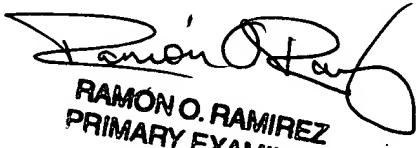
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T/Le

Tan Le
Patent examiner
February 4, 2005.


RAMON O. RAMIREZ
PRIMARY EXAMINER